APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,293	09/30/2003	Mahoro Anabuki	00862.023256	4735

5514 7590 02/23/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112	**EXAMINER** JOHNSON, CARLTON

ART UNIT	PAPER NUMBER
2136	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/673,293	ANABUKI, MAHORO
	Examiner	Art Unit	
	Carlton V. Johnson	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12-16-2003*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responding to application papers filed **10-30-2003**.

2.   Claims **1 - 9** are pending. Claim **1, 5, 9** are independent.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e)

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims **1, 2, 4, 5, 6, 8, 9** are rejected under 35 U.S.C. 102(e) as being anticipated

by **Maruyama et al.** (US Patent No. **6,990,582**).

Regarding Claim 1, Maruyama discloses a mixed reality contents protection apparatus

for preventing illicit use of contents for a mixed reality system that mixes and presents a

virtual space image on a landscape of a real space, comprising:

   As defined within the claimed application, the mixed reality system is merely a

   computer system that authenticates an object (i.e. a user, another system) to enable

   access; and if authentication fails access is denied.

   a) ID transmission unit, attached to a real object, adapted to transmit a

      predetermined ID; (see Maruyama col. 2, lines 46-47: send (i.e. transmit) an

object; col. 4, lines 63 - col. 5, line 7: transmit container information (i.e.

predetermined ID, authentication object))

b) ID reception unit adapted to receive the ID; (see Maruyama col. 2, lines 51-52:

receiving system receives an object; col. 4, lines 63 - col. 5, line 7: receive

container information (i.e. predetermined ID, authentication object)) and

c) ID collation unit adapted to determine whether an execution of the contents by

the mixed reality system is to be authorized or not on the basis of whether or not

the received ID corresponds to a real object required for the contents to be

executed by the mixed reality system, and sending a determination result to the

mixed reality system. (see Maruyama col. 3, lines 7-24: authorization

determination, container information (i.e. predetermined IDs, authentication

object) matches (i.e. correspond))

Regarding Claim 2, Maruyama discloses the apparatus according to claim 1, wherein

said ID collation unit determines that the contents can be executed when not less than a

predetermined number of IDs corresponding to real objects required for the contents to

be executed by the mixed reality system are received. (see Maruyama col. 3, lines 30-

39: required information (i.e. matching predetermined IDs, authentication objects)

necessary for execution)

Regarding Claim 4, Maruyama discloses the apparatus according to claim 1, wherein

data of the contents to be executed by the mixed reality system are encrypted, and said

apparatus further comprises decryption unit adapted to decrypt data of contents which
are determined by said ID collation unit to be able to be executed, and supplying
decrypted data to the mixed reality system. (see Maruyama col. 3, lines 7-24: module
(i.e. data of the contents to be executed) decrypted before execution, agent processing
module)

Regarding Claim 5, Maruyama discloses a mixed reality contents protection method for
preventing illicit use of contents for a mixed reality system that mixes and presents a
virtual space image on a landscape of a real space, comprising:

As defined within the claimed application, the mixed reality system is merely a
computer system that authenticates an object (i.e. user, another system) to enable
access; and if authentication fails access is denied.

a) an ID transmission step of making an ID transmission unit attached to a real

object transmit a predetermined ID; (see Maruyama col. 2, lines 46-47: send (i.e.

transmit) an object; col. 4, lines 63 - col. 5, line 7: received container information

(i.e. predetermined ID, authentication object))

b) an ID reception step of receiving the ID; (see Maruyama col. 2, lines 51-52:

receiving system receives an object; col. 4, lines 63 - col. 5, line 7: received

container information (i.e. predetermined ID, authentication object)) and

c) an ID collation step of determining whether an execution of the contents by the

mixed reality system is to be authorized or not on the basis of whether or not the

received ID corresponds to a real object required for the contents to be executed

by the mixed reality system, and sending a determination result to the mixed

reality system. (see Maruyama col. 3, lines 7-24: authorization determination,

container information (i.e. predetermined IDs, authentication objects) match (i.e.

correspond))

Regarding Claim 6, Maruyama discloses the method according to claim 5, wherein the

ID collation step includes a step of determining that the contents can be executed when

not less than a predetermined number of IDs corresponding to real objects required for

the contents to be executed by the mixed reality system are received. (see Maruyama

col. 3, lines 30-39: required information (i.e. matching predetermined IDs, authentication

objects) necessary for execution)

Regarding Claim 8, Maruyama discloses the method according to claim 5, wherein

data of the contents to be executed by the mixed reality system are encrypted, and the

method further comprises a decryption step of decrypting data of contents which are

determined in the ID collation step to be able to be executed, and supplying decrypted

data to the mixed reality system. (see Maruyama col. 3, lines 7-24: module (i.e. data of

the contents to be executed) decrypted before execution, agent processing module)

Regarding Claim 9, Maruyama discloses a computer readable recording medium

storing a program code for making a computer execute a method for preventing illicit

use of contents for a mixed reality system that mixes and presents a virtual space

image on a landscape of a real space, said program code comprising:

    As defined within the claimed application, the mixed reality system is merely a

    computer system that authenticates an object (i.e. user, another system) to enable

    access; if authentication fails access is denied.

    a) a program code of an ID transmission step of making an ID transmission unit

       attached to a real object transmit a predetermined ID; (see Maruyama col. 2,

       lines 46-47: send (i.e. transmit) an object; col. 4, lines 63 - col. 5, line 7: received

       container information (i.e. predetermined ID, authentication object); col. 4, lines

       27-30: software, product, implementation means)

    b) a program code of an ID reception step of receiving the ID; (see Maruyama col.

       2, lines 51-52: receiving system receives an object; col. 4, lines 63 - col. 5, line 7:

       received container information (i.e. predetermined ID, authentication object); col.

       4, lines 27-30: software, product, implementation means) and

    c) a program code of an ID collation step of determining whether an execution of the

       contents by the mixed reality system is to be authorized or not on the basis of

       whether or not the received ID corresponds to a real object required for the

       contents to be executed by the mixed reality system, and sending a

       determination result to the mixed reality system. (see Maruyama col. 3, lines 7-

       24: authorization determination, container information (i.e. IDs) match (i.e.

       correspond); col. 4, lines 27-30: software, product, implementation means)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims **3, 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Maruyama in view of Cooper et al. (US Patent No. 5,689, 560).

Regarding Claim 3, Maruyama discloses the apparatus according to claim 1, wherein

said ID collation unit determines that the contents can be executed based on the

received ID. (see Maruyama col. 3, lines 30-39: required information (i.e. predetermined

IDs, matching authentication objects) necessary for execution, contents executed based

on container information (i.e. ID))   Maruyama does not specifically disclose that the

contents to be executed by the mixed reality system are in a trial period, or are to be

executed for the purpose of an execution test.

However, Cooper, in the same field for the distribution of software objects,

discloses wherein can be executed irrespective of the received ID when the contents to

be executed by the mixed reality system are in a trial period, or are to be executed for

the purpose of an execution test. (see Cooper col. 2, lines 28-33; col. 2, lines 45-51:

software object distribution system, trial period capability)

It would have been obvious to one of ordinary skill in the art to modify Maruyama

as taught by Cooper to enable a trial period for usage of the executable content.   One

of ordinary skill in the art would have been motivated to employ the teachings of Cooper

in order to enable access to a software product or executable content prior to making a

purchase decision.   (see Cooper col. 2, lines 3-9: " ... *Unfortunately, printed*

publications frequently fail to provide an accurate description of the product, since the

user interaction with the product cannot be simulated in a static printed format. The

manufacturers of computer software products and the customers would both be well

served if the customers could have access to the products prior to making decisions on

whether or not to purchase the product, if this could be accomplished without

introducing risk of unlawful utilization of the product.   ... ")

Regarding Claim 7, Maruyama discloses the method according to claim 5, wherein the

ID collation step includes a step of determining that the contents can be executed

utilizing the received ID. (see Maruyama col. 3, lines 30-39: required information (i.e.

predetermined IDs, matching authentication objects) necessary for execution, contents

executed based on container information (i.e. ID))   Maruyama does not specifically

disclose that the contents can be executed irrespective of the received ID when the

contents to be executed by the mixed reality system are in a trial period, or are to be

executed for the purpose of an execution test.

However, Cooper, in the same field for the distribution of software objects,

discloses wherein the contents can be executed irrespective of the received ID when

the contents to be executed by the mixed reality system are in a trial period, or are to be executed for the purpose of an execution test. (see Cooper col. 2, lines 28-33; col. 2, lines 45-51: software object distribution system, trial period)

It would have been obvious to one of ordinary skill in the art to modify Maruyama as taught by Cooper to enable a trial period for usage of the executable contents. One of ordinary skill in the art would have been motivated to employ the teachings of Cooper in order to enable access to a software product or executable content prior to making a purchase decision. (see Cooper col. 2, lines 3-9)
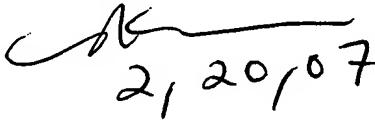
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlton V. Johnson whose telephone number is 571-270-1032. The examiner can normally be reached on Monday thru Friday , 8:00 - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Carlton V. Johnson
Examiner
Art Unit 2136

CVJ
February 16, 2007